

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.63207 Mining permit; duration; termination; revocation; transfer; amendment.

Sec. 63207. (1) A mining permit issued by the department shall remain in effect until terminated or revoked by the department.

(2) The department may terminate a mining permit under 1 or more of the following conditions:

(a) The permittee has not commenced construction of plant facilities or conducted actual mining activities covered by the mining permit within 2 years after the effective date of the mining permit.

(b) The permittee has completed final reclamation of the mining area and requests the termination of the mining permit and the department determines all of the following:

(i) The mining operation has not polluted, impaired, or destroyed the air, water, or other natural resources or the public trust in those resources by activities conducted within the scope of the permit.

(ii) The permittee has otherwise fulfilled all conditions determined to be necessary by the department to protect the public health, safety, and welfare and the environment.

(iii) The requirements for the postclosure monitoring period have been satisfied.

(3) The department may revoke a mining permit pursuant to section 63221.

(4) A mining permit may be transferred to a new operator with approval of the department after public notice as follows:

(a) The person acquiring the mining permit shall submit to the department on forms provided by the department a request for transfer of the mining permit and shall provide the financial assurance required under section 63211.

(b) The person acquiring the mining permit shall accept the conditions of the existing mining permit and adhere to the requirements set forth in this part.

(c) If the permittee is determined by the department to be in violation of this part or the rules promulgated under this part at the mining site involved in the transfer, then the mining permit shall not be transferred to a person until the permittee has completed the necessary corrective actions or the person acquiring the mining permit has entered into a written consent agreement to correct all of the violations.

(5) Pending the transfer of an existing mining permit under subsection (4), the proposed transferee shall not operate the mine.

(6) A mining permit may be amended as follows:

(a) The permittee may submit to the department a request to amend the mining permit to address anticipated changes in the mining operation, including, if applicable, amendments to the environmental impact assessment and to the mining, reclamation, and environmental protection plan.

(b) The department may require a mining permit to be amended if the department determines that the terms and conditions of the mining permit are not providing the intended reasonable protection of the environment, natural resources, or public health and safety.

(c) Within 30 days after receiving a request to amend a mining permit, or upon a determination by the department that an amendment is necessary, the department shall determine within 30 days whether the request constitutes a significant change from the conditions of the approved mining permit. If the department determines that the request is a significant change from the conditions of the approved mining permit, the department may submit the request for amendment to the same review process as provided for a new permit application in section 63205(4) to (9). If a request to amend the mining permit is denied, the reasons for denial shall be stated in a written report to the permittee. If the department determines that the request for amendment does not constitute a significant change from the conditions of the approved mining permit, the department shall provide written notice of the determination to the city, village, or township and the county where the proposed mining operation is to be located and to all affected federally recognized Indian tribes in this state. The department shall also give notice of the determination by publication in a newspaper of local distribution in the area where the proposed mining operation is to be located. The department shall approve the amendment within 14 days after publication of the notice and shall notify the permittee of the approval.

History: Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004.

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